

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

JOHN BARNHARDT, et al.,)	
)	
Plaintiffs,)	
)	
and)	
)	
UNITED STATES OF AMERICA,)	Civil Action No. 4:65-cv-01300-HTW-LRA
)	1300(E)
Plaintiff-Intervenor,)	
)	
v.)	
)	
MERIDIAN MUNICIPAL SEPARATE)	
SCHOOL DISTRICT, et al.,)	
)	
Defendants.)	

PLAINTIFFS' MOTION FOR STATUS CONFERENCE

Plaintiffs John Barnhardt, et al. (“Plaintiffs”) respectfully request a status conference about the Meridian Municipal Separate School District, et al.’s (“Defendants”) Motion to Modify Desegregation Plan and for Expedited Consideration (“Modification Motion”) (ECF Nos. 167 and 173). Defendants do not oppose this status conference request, and the United States of America takes no position.

In support of this motion, Plaintiffs assert the following:

1. On August 9, 2019, Plaintiffs and Defendants filed a Joint Motion for Preliminary Approval of Settlement Agreement and Authorization of Notice to the Plaintiff Class Pursuant to Rule 23(E) of the Federal Rules of Civil Procedure (“Joint Settlement Approval Motion”). ECF No. 158. On November 17, 2021, the Court held a status conference, which, among other topics, included discussion of the Joint Settlement Approval Motion.

2. On July 22, 2022, Defendants filed their Modification Motion to accommodate the Meridian Public School Board of Education's decision to close Carver Middle School. ECF No. 167. Plaintiffs responded in opposition on August 5, 2022, ECF No. 170, and Defendants replied in support of their Modification Motion a few days later, ECF No. 173. On August 11, the Court held an evidentiary hearing on Defendants' Modification Motion, which included witness testimony and argument.

3. On March 23, 2023, Defendants informed Plaintiffs and the Court through written correspondence that the Board recently approved an elementary school reconfiguration plan, which would close Oakland Heights and T.J. Harris Elementary Schools. Defendants also informed Plaintiffs and the Court that they plan to file a separate motion to further modify the desegregation plan.

4. The Court's resolution of Defendants' pending Modification Motion (ECF No. 167) may impact Plaintiffs' and the Court's assessment of the new reconfiguration plan, as well as mitigate any potentially unnecessary briefing. Plaintiffs also remain committed to exploring ways to move forward with the Joint Settlement Approval Motion following resolution of that motion.

5. For these reasons, Plaintiffs request a status conference to discuss any remaining questions before the Court makes its decision on the Modification Motion.

Dated: April 5, 2023

Respectfully Submitted,

s/ Fred L. Banks, Jr.

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Counsel for Private Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of April, 2023, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which sent notification of such filing to all counsel of record.

/s/ John S. Cusick
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